

Department of Defense (DoD)
Civilian Personnel Management Service (CPMS)
Field Advisory Services - *FAS*
Classification Appeal Decision

DoD Decision:	Procurement Analyst, GS-1102-13
Initial classification:	Procurement Analyst, GS-1102-13
Organization:	Army Corps of Engineers Division <i>Level</i> Directorate of Contracting
Date:	September 08, 1995

This position was established in 1988 as Procurement Analyst, GS-1102-14; the appellant competed and was promoted into it. Subsequent to the promotion action, in 1991 an Agency Special Actions Team found the position was misclassified. As a result of the team's finding the position was downgraded to GS-13. The appellant requested a review of his position by this office to resolve what he perceives as disparity between his grade and the grade of similar positions in other (*component activities*).

POSITION INFORMATION

The incumbent of this position primarily serves as principal advisor throughout the Division, including technical and program managers, contracting officers, contractors and their representatives in the interpretation and application of procurement regulations, policies, requirements, procedures, etc. Coordinates the acquisition (except real property) planning function for the Division and provides advice and guidance to subordinate activities throughout the Division.

TITLE AND SERIES DETERMINATION

The appellant does not take exception to the title and series of this position which this office has determined is properly placed in the Contracting Series, GS-1102. This series includes positions whose duties are to "manage, supervise, perform, or develop policies and procedures for work involving the procurement of supplies, services, construction, or research and development using formal advertising or negotiation procedures;...." Positions requiring a broad knowledge of procurement policies and procedures to plan, analyze or evaluate procurement programs, review proposed contractual actions for conformance with regulatory requirements and procurement practices; or develop policies and procedures or provide advice and guidance to subordinate activities concerning a variety of procurement issues are appropriately titled Procurement Analyst.

GRADE DETERMINATION

The results of our analysis of the position are the same as that provided by the servicing activity personnel. Even though our discussion will be limited to addressing those factors in contention, i.e., factors 3, 4, 6, 7, and 8, a *de novo* review of the position has been accomplished.

Factor 3, Guidelines

This factor covers the nature of guidelines and the judgment and discretion exercised to apply them. Guidelines include legislation and statutes affecting procurement requirements and practices; Executive orders, Comptroller General, judicial, and boards of contract appeal decisions; issuances by other Federal agencies directly impacting agency procurement programs, government procurement regulations; agency procurement policies, procedures, and manuals; etc.

Guidelines available to the appellant include procurement laws, Federal regulations and agency contracting directives and policies. The appellant researches Comptroller General Decisions, Board of Contract Appeal Decisions Federal contract reports, DoD (*and component*) procurement regulations, Executive Orders, directives and instructions. Guidelines provide general guidance in dealing with problems and often require interpretation and modification to meet specific requirements.

The appellant applies guidelines exceeding those described at Level 3-3. At this level guidelines include procurement regulations and precedents applicable to one or more of the contracting specialties. Precedents and written policies exist for procurements or contracts assigned, and historical data are pertinent to the evaluation of price and basic elements.

Also at this level the specialist exercises judgment to interpret guidelines, adapt procurement procedures, or recommend approaches or solutions for specific problems. For example, judgment is required to locate potential suppliers, stimulate interest among local small businesses, perform basic analyses of costs based on prevailing material and labor costs, or to recommend modifications to contractual arrangements.

Guidelines described at Level 3-4 are comparable to those applied by the subject position. The specialist at this level has policies and precedents available, but they are either stated in general terms or are of limited use. Intensive searches of a wide range of regulations and policy circulars applicable to the numerous and diversified procurement issues encountered are frequently required. Guidelines are often inadequate when dealing with problems, requiring ingenuity and originality to interpret, modify, and extend guides, techniques, and precedents; to devise terms and conditions tailored to specific procurements; or to balance the application of guidelines in relation to novel program or technical needs, business considerations, and socioeconomic climate.

Additionally, the employee at this level uses experienced judgment and initiative in applying principles and underlying guidelines, as in the evaluation of subordinate procurement programs; in deviating from traditional techniques; or in researching trends and patterns to develop new approaches, criteria, or proposed policies.

On the other hand, however, the guidelines described at Level 3-5 exceed those applied by the appellant. At this level guidelines consist of legislation, broad and general policy statements, and procurement regulations involving one or more agencies, which require extensive interpretation.

The employee is required to apply guidelines depicted at this level is an authority on developing and interpreting procurement guidelines, policies, regulations, and/or legislation. Employees working in staff positions generally draft agency procurement regulations or policies. Employees in operational positions are responsible for procurements for which little or no contractual precedents exist to guide them in developing and modifying procurement strategies. For example, a procurement involving a significant departure from existing systems or programs requires original and creative effort to obtain a reasonable balance of interests or the redefinition of policy in the design and execution of the procurement.

Therefore, this factor is appropriately evaluated at level 3-4 (450 points).

Factor 4, Complexity

This factor covers the nature, number, variety, and intricacy of tasks, steps, processes or

methods in the work performed; the difficulty in identifying what needs to be done; and the difficulty and originality involved to perform overall work assignments.

Assignments performed by the subject position include providing senior advisory services to the command group and senior staff personnel on the full range of contracting issues. Such advice is in the areas of acquisition planning and administration; review and analysis and recommendations on contracting procedures; policy development and interpretation; disposition of requested waivers and deviations to statutory and regulatory requirements etc. In carrying out assignments the appellant must ensure a balance between agency objectives while considering such issues as legal, environmental, political. Such efforts require extensive planning and coordination of policies and procedures with other interested personnel internal and external to the assigned office.

Level 4-4 is exceeded for this position. Work at this level typically involves varied duties requiring many different and unrelated processes and methods, with full operating competence in the well-established aspects of a contracting assignments. Assignments typically involve operational or staff functions containing a variety of complexities such as the following (or comparable):

Specialized requirements to meet tight specifications, items requiring a special degree of care in handling or storage, and similar requirements.

Knowledge and use of a variety of contract types.

Identification of set-asides for small and disadvantaged business concerns.

Decisions are based on analysis of alternatives, adaptation or modification of procedures, or resolution of incomplete or conflicting technical, program or contractor data. For example, in staff assignments the employee plans and conducts evaluations of procurement programs using established standards and criteria to measure program effectiveness, such as workload, backlog, resources and lead-time assessment.

Also, work at this level requires making many decisions concerning such issues as the interpretation of a considerable amount of technical data and policy and regulatory information, and the planning and coordination of procurement activities for preaward, postaward, or other contractual functions.

This factor for the subject position is comparable to factor level 4-5. Work credited at this factor level is characterized by either: (a) breadth of planning and coordination, or depth of problem identification and analysis, stemming from the variety of the procurement functions or

from the unknowns, changes or conflicts inherent in the issues; or (b) responsibility as team leader or project officer for a significant procurement assignment.

Decisions at this level involve responsiveness to continuing changes in programs or technological developments. The employee is constantly balancing program and technical needs, the interests of the contractors, statutory and regulatory requirements, and the prevailing socioeconomic climate, to make decisions based on sound business judgment that are in the best interest of the Government.

Representative staff assignments credited at this level include program review of a wide range of procurement functions performed by subordinate activities.

On the other hand factor level 4-6 is not met. Assignments at this level are characterized by broad and intense efforts, and involve several phases being pursued concurrently or sequentially with the support of technical, procurement, program, and management personnel within and outside the organization.

Specific procurement issues are largely undefined and require extensive analysis and evaluation to identify the scope of problems and to reach decisions on appropriate courses of action. The work concerns areas where little or no established practices or precedents are available to assist in problem solving, progress is difficult, and new techniques and approaches need to be devised.

Work at this level involves procurement systems or programs which require extensive analyses and continuing evaluation of potential approaches to establish comprehensive solutions; or the development of new concepts, theories, or programs which will influence the procedures and ideas of others, or resolve unyielding problems.

Level 4-5 (325 points) is appropriately assigned this factor.

Factor 6, Personal Contacts

This factor includes face-to-face and telephone contact and other dialogue with persons not in the supervisory chain. The levels are measured in terms requirement to make initial contact, difficulty communicating with those contacted, and the setting in which the contact takes place.

Assignments performed by the appellant exceed those described at Level 6-2 where regular personal contacts are with employees within the agency but outside the immediate organization, usually specialists representing the various disciplines involved in the

procurement process, such as technical, program, and financial. Contacts outside the agency include salesmen or local suppliers of common, off-the-shelf items. The interests of the respective parties are usually well defined.

The appellant has contacts with congressional staff members, contracting and technical representatives from other Federal agencies, contractor representatives, program and project managers and other similar groups.

The appellant contends that factor level 6-4 is creditable because he meets with congressional staff to discuss issues of mutual concern to both the (*agency subordinate command*) and congressional constituents and that the factor level definition refers to Congressional staff. Admittedly, Congressional members and key staff are referenced at factor level 6-4; however, Congressional staff contacts are only a portion of Factor level 6-4, thus causing the position to fall short of meeting the full intent of the factor level.

Personal contacts at factor level 6-4, are characterized by problems, such as: officials may be relatively inaccessible; appointments or arrangements may have to be made well in advance; each contact may be conducted under different ground rules or comparable problems. In addition to contacts with Congressional members and key staff are those with senior corporate officials, key representatives from national or international organizations, key officials from other Federal agencies, principal executives of universities and nonprofit organizations, and key officials from State and local governments and from judicial and quasi-judicial bodies. Contacts at this level generally occur in connection with subjects warranting such contacts.

Contacts of subject position fully meet the intent of level 6-3. At this level personal contacts include a variety of specialists, managers, officials or groups from outside the agency in a moderately unstructured setting, e.g., the purpose and extent of each contact is usually different, and the role and authority of each party is identified and developed during the course of the contact. Contacts at this level include contractors, specialists at contractors' plants, manufacturers' representatives, attorneys, auditors, and university representatives, nonprofit organizations, State and local governments, professional organizations, the news media, public action groups, or other Federal agencies.

Level 6-3 is assigned for 60 points.

Factor 7, Purpose of Contacts

The purpose of personal contacts ranges from factual exchanges of information to situations involving significant or controversial issues and differing viewpoints, goals, or objectives.

This factor for subject position exceeds Level 7-2. At this level contacts are to plan and advise on procurement actions with requiring offices, to coordinate actions with support offices (e.g., pricing, legal, or audit), and to resolve related procurement problems, such as improving the clarity of the statement of work or expediting procurements. Contacts with subordinate offices are to answer questions and provide assistance. Contacts are with individuals or groups who are working toward mutual goals and who have basically cooperative attitudes.

Contacts outside the agency are to follow up on procurements or resolve routine problems with local suppliers, to solicit bids and proposals from contractors, to answer bidder's questions about solicitation, etc., or similar matters when the persons have generally cooperative attitudes.

This factor is assigned Level 7-3. At this level contacts are for purposes of obtaining agreement on previously determined goals and objectives through negotiation, persuasion, and advocacy. Individuals or groups are frequently uncooperative, have different negotiation objectives, or represent divergent interests. The employee must be skillful in dealing with such persons to obtain the desired effect.

The appellant provides guidance to subordinate contracting offices, to coordinate and persuade them on the implementation of policy or procedural changes.

His meetings with congressional staff members, who are concerned with constituent issues, and others outside the agency are for purposes of gathering and exchanging information, on significant issues, discussing goals and objectives, explaining reasons for decisions, policies, procedures, etc.

Level 7-4 is not met because contacts at this level are to justify, defend, negotiate or settle matters involving significant or controversial issues or problems which require escalation because established changes and procedures have failed to resolve the problem. Negotiations at this level involve procurements of considerable consequence and importance, such as major and other large systems acquisition programs, negotiation with management representatives of other agencies, or representatives of foreign governments or international organizations. The employee is responsible for justifying and defending the agency position when issues are strongly contested because of their impact or breadth.

Therefore, factor level 7-3 is assigned for 120 points.

Factor 8, Physical Demands

This factor covers the requirements and physical demands placed on the employee by the work assignment.

We agree with the servicing personnel office on assigning Level 8-1 (5 points) for this factor. Level 8-1, which is primarily sedentary, is not exceeded. The appellant performs work at a desk. The duties require occasional walking, standing, bending, carrying light items such as reports or files, or driving an automobile. There are no special physical demands required to perform the work of the position.

Summary

We have evaluated the position as follows:

Factor	Level	Points
Factor 1	Level 1-8	1550
Factor 2	Level 2-5	650
Factor 3	Level 3-4	450
Factor 4	Level 4-5	325
Factor 5	Level 5-5	325
Factor 6	Level 6-3	60
Factor 7	Level 7-3	120
Factor 8	Level 8-1	5
Factor 9	Level 9-1	<u>5</u>
Total		3490

A total of 3490 points falls within the GS-13 grade level point range of 3155-3600 points in the Grade Conversion Table.

Therefore, based on the preceding analysis, the position is properly evaluated as Procurement Analyst, GS-1102-13.